



**Ohio Department of Job and Family Services
Request for Letterhead Bids (RLB)
RLB#: R-67-04-0901**

I. Purpose

The Ohio Department of Job and Family Services (ODJFS) is soliciting bids exclusively from State Term Schedule (STS) certified vendors interested in designing and installing a Heating, Ventilating and Air Conditioning (HVAC) system at the following facility:

Lima Processing Center
799 North Main Street
Lima, Ohio 45801

All firms interested in submitting a proposal are required to inspect the building. Inspection appointments will be available on Monday, April 3, 2006 and/or Tuesday, April 4, 2006, between 9:00 a.m. and 2:00 p.m. To reserve a time, call Ms. Chris Dauer at 614-506-8453. Only those firms that reserve a time will be provided an inspection opportunity and be considered for project award. It is required that the individual responsible for managing the project be present. Additional dates will be made available if necessary. Building and existing HVAC blueprints will be available for inspection during allotted time.

II. Issuing Office

This Request for Letterhead Bids (RLB) document is released by and the subsequent contract will be with ODJFS. The Office of Employee and Business Services (OEBS), Bureau of Facility Services, will be responsible for daily contract management. ODJFS will only accept bids which guarantee completion of all work by December 31, 2006.

Vendor proposals must be submitted to ODJFS in strict accordance with proposal submission instructions provided in **Section VI, Submission Information**.

III. Anticipated Procurement Timetable

DATE	EVENT/ACTIVITY
Tuesday March 28, 2006	ODJFS Releases RLB to Potential Vendors on ODJFS Web Site. Q&A Period Opens. Vendors may submit inquiries for RLB clarification.

Monday April 3, 2006 or Tuesday April 4, 2006	Bidder's facility walk-through. ODJFS will accept proposals only from qualified vendors that visit the facility.
Friday April 14, 2006	Vendor Q&A Period Closes, 10 a.m. (For inquiries for RLB Clarification). No further inquiries for RLB clarification will be accepted.
Tuesday April 18, 2006	ODJFS provides Final Vendor Question & Answer Document.
Monday May 01, 2006	Deadline for Vendors to Submit Proposals to ODJFS (3 p.m.). Proposals are opened for the ODJFS process of proposal review.
Wednesday May 10, 2006	Selected Vendor Notification Date.
Friday May 12, 2006	DAS, General Services Division Review (estimated). Depending upon contract dollar amount & other factors, some STS proposals may require review and approval by State Purchasing.
Monday June 12, 2006	Controlling Board Approval Request for capital finds allocation.
Monday July 3, 2006	Implementation.* (estimated—following notification of all contractual and funding approvals). ODJFS purchase orders are not valid and effective until the state Office of Budget Management approves the purchase order
Implementation Date – through December 30, 2006	Purchase Order (PO) Terms.

ODJFS reserves the right to revise this schedule in the best interest of the State of Ohio and/or to comply with the State of Ohio procurement procedures and regulations.

IV. Internet Question & Answer Period; RLB Clarification Opportunity

Potential vendors may ask clarifying questions regarding this RLB via the Internet during the Question and Answer Period as outlined in Section III, Anticipated Procurement Timetable. To ask a question, potential vendors must use the following Internet process:

* Access the ODJFS Web Page at <http://jfs.ohio.gov>;

- * Select “About Us” on the front page;
- * Select “Doing Business with ODJFS;”
- * Select “Requests for Proposals, Letterhead Solicitations, and Other Invitations;”
- * Select RFP/RLB Number [R-67-04-0910](#);
- * Select the “R67040910@odjfs.state.oh.us” link; and
- * Follow the instructions and guidelines as follows to send an e-mail question.

The potential vendor must also include the name of a representative of the potential vendor, the company name and business phone number. ODJFS may, at its option, disregard any questions which do not appropriately reference an RLB provision or location, or which do not include identification for the originator of the question. ODJFS will not respond to any questions submitted after **10:00 a.m.** on the date that the Question and Answer period closes.

Additionally, as it is required that interested vendors tour the facility in order to submit a proposal in response to this RLB. During that tour, vendor representatives may ask questions about the facility or the existing HVAC system, but all such questions will be recorded by ODJFS. Those questions and their official ODJFS answers will be published as part of the Final Question and Answer Document (referenced in the timetable in Section III, above) for access and use by all interested vendors.

ODJFS responses to all questions asked regarding the work that is the subject of this RLB will be posted on the Internet web site dedicated to this RLB, for reference by all potential vendors. Potential vendors will not receive personalized or individual e-mail responses. Clarifying questions asked and ODJFS responses to them comprise the “ODJFS Question and Answer Document” for this RLB; when possible, ODJFS may post an interim Q & A Document as well as the final version. Vendor proposals in response to this RLB are to take into account any information communicated by ODJFS in the Final Q & A Document for the RLB. **It is the responsibility of all potential vendors to check this site on a regular basis for responses to questions, as well as for any amendments or other pertinent information regarding any RFP/RLB.**

Accessibility to the ODJFS Question and Answer Document will be clearly identified on the web site dedicated to this RLB, once that document is made available.

IMPORTANT: Requests from potential vendors for copies of previous RLBs, past vendor proposals, score sheets or contracts for this or similar past projects, are Public Records Requests (PRRs), and are not clarification questions regarding the present RLB. PRRs, submitted in accordance with directions provided in Section V, Communications Prohibited, will be honored. The posted time frames for ODJFS responses to Internet or faxed questions for RLB clarification do not apply to PRRs.

Requirements under a current project may or may not be required by ODJFS under any future contract, and so may not be useful information for vendors who choose to respond to the RLB; therefore, vendors are to base their RLB responses, and the details and costs of their proposed projects, on the requirements and performance expectations established in the RLB, NOT on details of a current or past related contract. If vendors ask questions about existing or past contracts using the Internet Q&A process, ODJFS will use its discretion in deciding whether to provide answers.

ODJFS will only answer those questions submitted within the established time period for the Vendor Question & Answer process (see Section III, Anticipated Procurement Timetable, above), and which pertain to issues of RLB clarity, and which are not requests for public records. ODJFS is under no obligation to acknowledge questions submitted through the Q&A process if those questions are not in accordance with these instructions.

* In the event of technical difficulties with the Internet Q&A process, vendors should contact the ODJFS RFP/RLB Unit.

V. Communications Prohibited

From the issuance date of this RLB, until the contract award has been formally announced by the ODJFS Director, there may be no communications concerning the RLB between any vendor which expects to submit a proposal and any employee of ODJFS in the issuing office, or any other ODJFS employee, or any other individual regardless of their employment status, who is in any way involved in the development of the RLB or the selection of the contractor(s).

The only exceptions to this prohibition are as follows:

1. Communications conducted pursuant to Section IV, Internet Question and Answer Period;
2. As necessary in any pre-existing or on-going business relationship between ODJFS and any vendor which could submit a proposal in response to this RLB;
3. As part of an interview or proposal clarification process initiated by ODJFS as necessary to make a final vendor selection;
4. If it becomes necessary to revise any part of this RLB, ODJFS will post those revisions, amendments, etc., to the website dedicated to this RLB;*
5. To schedule an appointment to walk through/inspect the facility where the work is required, and to ask questions of record regarding the facility during the visit; and,
6. Any Public Records Request (PRR) made through the ODJFS Office of Legal Services.

* **Important Note:** Amendments to the RLB or to any documents related to it will be accessible to interested vendors through the original web page established for the RLB. All interested vendors must refer to that web page regularly for amendments or other announcements. ODJFS will not specifically notify any vendor of changes or announcements related to this RLB except through the website posting. It is the affirmative responsibility of interested vendors to be aware of and to fully respond to all updated information posted on this web page.

ODJFS is not responsible for the accuracy of any information regarding this RLB that was obtained or gathered through a source other than the Question and Answer process described in this RLB. Any attempts at prohibited communications by vendors may result in the disqualification of those vendors' proposals.

VI. Submission Information

Organizations, companies, firms, or individuals who are interested in submitting responses (also called 'proposals') must make their submission not later than **3:00 p.m. local time on Monday, May 1, 2006. Facsimile and electronic submissions will not be accepted.** Interested vendors must submit five copies (one signed original and four copies) of the proposal in an envelope/package labeled as follows:

**PROPOSAL ENCLOSED FOR THE ODJFS
HVAC SYSTEM REPLACEMENT RLB
#: R-67-04-0910 FROM [VENDOR'S NAME]
for Lima Office.**

Proposals must be addressed to:

**Office of Contract Administration
Ohio Department of Job & Family Services
30 East Broad Street, 31st floor
Columbus, Ohio 43215-3414**

All submissions must be received, complete, at the above address, via mail or hand delivery by the above date and time. Materials received after the date and time as stated above will not be included in any previous submissions, nor will they be considered. ODJFS is not responsible for proposals incorrectly addressed or for proposals delivered to any ODJFS location other than the address specified above. No confirmation of mailed proposals can be provided.

For hand delivery on the due date, vendors are to allow sufficient time for downtown parking considerations, as well as for security checks at both the lobby of the Rhodes State Office Tower (address as stated above) and again on the 31st floor. All proposals delivered on the due date will be accepted at the **Office of Contracts and Acquisitions on the 31st floor of the Rhodes SOT** (address as provided above).

VII. Background

ODJFS operates an Unemployment Claims Processing Center at 799 North Main Street, Lima, Ohio; the building was constructed circa 1980, and currently provides work facilities for 40 ODJFS staff. The building has approximately 15,800-square feet in its single-story, most of which is utilized for open-office cubicles with some private offices and conference rooms. Other than a 1998 renovation to the building, which included only minor HVAC modifications, the HVAC systems and all major components are original to the building's construction.

Based on information from a 2003 engineering assessment, ODJFS is prepared to replace this building's HVAC system using environmentally sound and energy-efficient technology, products, and principles. Through this RLB, ODJFS seeks to identify a qualified vendor to provide a new HVAC system that is as energy efficient and cost effective as possible, given the structure's age, use, and condition.

Currently, the structure's heating and cooling are provided by five small air handling units, which are hung in the ceiling return air plenum. Water for heating and cooling are pumped from two hot water boilers and a single chiller, housed in a small mechanical room, to the air handling units.

The two largest of five air handling units, designated AH-1 and AH-4, contain a supply fan and minimum outdoor air fan, and mix outside air with air from the return plenum to supply the zone-control Damper Coil Modules (DCM). Each temperature control zone has a DCM, consisting of a single heating/cooling coil with a face and a by-pass damper. Thermostats modulate the face and by-pass dampers for either chilled or hot water to flow through the coil. There is no control valve for the water flow in response to the space temperature.

The AH-2, AH-3, and AH-5 units are smaller and each consists of a supply fan, a heating/cooling coil, and a face and by-pass damper, and serve one temperature control zone each. Similar to the functions of the DCMs, space thermostats modulate the dampers, with either chilled or heated water flowing through the coils. As with AH-1 and AH-4, control valves do not control the water flow. The same two-pipe distribution system delivers heated and chilled water to the structure's air handling unit coils and the DCM coils.

The building's current two-pipe configuration HVAC system does not permit simultaneous heat and cooling to different areas of the building, and hampers system change-over that may be needed due to changes in

space loads or to exterior temperatures, particularly during season transitions when temperature variations can be both frequent and extreme. Environmental discomfort due to humidity control is of some concern, especially in spring and fall seasons with high relative humidity and light cooling loads.

All air handling units are in the return air plenum, so the building does not need return air ductwork. However, the plenums may cause cross-talk and may restrict the flow of return air from the smaller enclosed spaces where walls may extend into the plenum.

The system still uses its two original Weil McLain natural gas-fired, 260,000 BTU heating boilers; as they do not have chemical-feed pots, the boilers have never had a water treatment, and so ODJFS expects to replace them as part of this project.

Also to be replaced as part of this project are the building's chiller (a McQay 40-ton unit, model WHRO40C3) and air-cooled condenser (a 50-ton McQay unit, model APD-050B-V-1R0). Problems with a compressor, condenser fan motor, and chiller unit controls cause short-cycling the remaining operational compressor.

ODJFS also expects to replace the structure's pneumatic automatic temperature controls with a non-proprietary Direct Digital Controls (DDC) system, because, even though those original controls are largely still functional, replacement components are becoming increasingly expensive as availability decreases.

(Important: See item B. in RFL Section XVI., Caveats)

VIII. Scope of Work

Interested qualified STS vendors are asked to submit a proposal to retrofit and replace the existing HVAC equipment located at the facility specified in Section I of this RLB. The proposal must be based on "our" information from an assessment performed in 2003, and known experiences in building HVAC systems. The contractor shall be responsible for assessing the needs of the building and its tenants to effectively and efficiently complete the proposed project plan. Services shall be provided in accordance with the highest standard of professionalism, skill, workmanship, and applicable trade practices. The system must also conform to all applicable State of Ohio codes and HVAC regulations.

The following information is a summary of the duties and responsibilities of the selected vendor; further details are provided in Section X, Format of Submission. In order to receive consideration for purchase order award, all aspects of the requirements outlined in this section must be addressed in the vendor's proposal. The anticipated scope of work will be as follows:

- Develop a project plan to ensure the health and safety of all employees are protected and operational issues are minimized.
- Replace two existing boilers; must include chemical feed.
- Replace chiller and condensing unit with units appropriately sized to building.
- Replace pneumatic system and install new non-proprietary DDC controls.
- System should be balanced upon completion of the project installation.

In addition to the requirements above vendors must also provide a “Worst-Case Scenario” in which vendor, using their professional expertise, and with the understanding that a vendor responding cannot be expected to identify all the possible needs for the project before actual work begins. The “Worst-Case Scenario” will be as follows:

- Based on what vendors know about HVAC systems similar to what this RLB describes, identify other reasonable/likely replacements, redesigns, etc. that could be needed in this building. In the cost proposal, itemized costs for proposed/possible configuration must be provided. This zoned HVAC system must provide heating and air conditioning at 68 to 74 degrees Fahrenheit uniformly throughout the building, regardless of outside temperatures, subject only to government energy conservation controls.

Proposed systems must be designed and installed to conform to all State of Ohio building and HVAC regulations. The heating system proposed is to have the highest efficiency rating possible, and the air conditioning system a minimum S.E.E.R. rating of 12. Once a vendor has been selected for this project, and a purchase order (PO) for the work has been fully approved, that vendor will be required to fully perform the work in accordance with this RLB, all governing regulations, and with the details established in the selected vendor’s proposal.

IX. Qualifications

Only those vendors who are appropriately licensed and/or credentialed professionals may submit proposals in response to this RLB. Vendors must describe how they are qualified to conduct the work described above. **Proposals must indicate how the vendor meets all minimum qualifications listed in Section XI, Scoring of Vendor Submissions, in order to receive appropriate consideration.** References from professional organizations and associations are to be included, and other supporting documents may also be submitted. Any interested HVAC State Term Schedule authorized vendor may submit a response to this RLB.

Vendor bids must address, at minimum, the following requirements in regards to their qualifications, their proposed bid specifications and demonstrate how the mandatory deliverables will be performed. Failure to comply with the following requirements will result in automatic disqualification from this project.

1. Vendors must state in their proposals the date and time their representative(s) visited the Lima facility.
2. Vendors must provide evidence of being a currently certified STS vendor and certified HVAC company with a minimum of five (5) years experience in the commercial HVAC market for design, installation and controls. Vendors must also describe how they are qualified to conduct the work as described in Section V, Scope of Work; and
3. Vendor must submit a letter recommendation letter from at least three (3) references for services rendered in the past two (2) years which is substantially similar to the size and scope of work as described in Section VIII., Scope of Work. Reference letter must include name, address, phone number, e-mail address, and a brief description of services provided. ODJFS will verify vendor references.
4. Vendor must submit the name of the individual who will act as the Project Manager for this project, and his or her experience and qualifications.

5. Vendor must submit a quotation for the work to be completed. The quotation must be detailed, breaking out the cost of various components and controls, and labor, including hourly rate for each staff position. The cost must also include the removal and proper disposal of existing systems which is to be broken out separately.
6. Vendor must submit a life cycle cost analysis for the system to be installed.
7. Vendor must conform to all applicable prevailing wage requirements and submit all documentation required under ORC 4115.03-4115.16, which may be accessed through www.com.state.oh.us.

X. Format of Submission:

The proposal must be prepared in accordance with instructions given in this section of the RLB, and be submitted in accordance with instructions found in Section IV, Submission Information. Vendors must submit, at minimum, the following requirements, in the following order:

1. Completed Required Vendor Information and Certifications* (Original signed in BLUE ink); See Attachment B;
2. Completed W-9, Request for Taxpayer Identification Form* (Original signed in BLUE ink); See Attachment C;
3. Vendor Qualifications;
4. Statement of Work;
 - “Primary Project Plan” and
 - “Worst-Case Scenario;”
5. Cost Proposal; and
6. Life Cycle Cost Analysis

* NOTE – both items 1. and 2. are provided by ODJFS as attachments to this RLB.

Vendors are strongly encouraged to review the Proposal Score Sheet (Attachment D to this RLB), to evaluate their proposals for compliance, completeness, and quality, before submitting them to ODJFS.

Statements of Work must consist of the following five components. Failure to properly address any one will reduce the vendor’s likelihood of selection for this project.

A. Required Vendor Information and Certifications

Provided as Attachment B. to this RLB are descriptions of critical information and vendor certifications and affirmations, all of which are necessary either for ODJFS to consider vendors for this project, or which would be required of the vendor(s) following selection. Vendors submitting bids in response to this RLB are to carefully follow instructions given in Attachment B. to provide this information and make the certifications. Vendors may print off Attachment B., complete it, and return it as the opening pages of their proposals, or they

may provide the required information and certifications (each fully re-stated from the attachment) on their letterhead as the opening pages of their proposals.

B. Request for Taxpayer Identification Number (W-9) Form

The vendor must attach this form, which is provided as **Attachment C** to this RLB, completed with an original signature in blue ink.

C. Vendor Qualifications

The vendor must identify the State Term Schedule agreement between the vendor and DAS (including effective dates). The vendor is required to include the name and phone numbers of at least three (3) references for services rendered in the past two (2) years which is substantially similar to the size and scope of work as described in Section VIII. These references must include name, address, phone number, e-mail address, and a brief description of services provided. ODJFS will verify vendor references. Vendor must schedule an on-site inspection for engineering study and water sample as describes in Section III. The vendor must clearly define when work would be scheduled to begin, the length of time to complete the installation, and the proposed completion date. Also, indicate if there are any impediments to having the HVAC system designed and installed prior to June 30, 2006. The submitted proposal must also provide specifications sheets for each system and control to be installed. Vendor must submit the name of the individual who will act as the Project Manager for this project, and his or her experience and qualifications.

1. State Term Schedule Statement

In this section, the vendor must provide evidence of being a currently certified STS certified HVAC company with minimum of five (5) years experience in the commercial HVAC market for design, installation, and controls as specified in Section IX., Qualifications.

2. Description of Qualifications

In this section, the vendor must, at minimum, describe how they are qualified to conduct the work as specified in Section, VIII, Scope of Work.

D. Statement of Work

The vendor's Statement of Work must include a clear statement proposing how they plan to design and install an HVAC system at the location in Section I. If selected, the vendor shall hold responsibility for assessing the full, actual, and current needs of the building and its tenants prior to initiating the work. Services shall be provided in accordance with the highest standards of professionalism, skill, workmanship, and applicable trade practices, and shall conform to all applicable codes and regulations. The system that is designed and installed must conform to all State of Ohio HVAC regulations. The heating system is to be designed for the highest efficiency rating possible, and the air conditioning system must have a minimum S.E.E.R. rating of 12.

Interested vendor proposals must include information on both a "Primary Project Plan" and a "Worst-Case Scenario," as described in this section. The primary project plan should be viewed by ODJFS as the primary estimate offered by interested vendors. The worst-case

scenario offers additional information from the vendors on alternate or further technical work and equipment that could be needed to bring the facility HVAC system to the desired condition. If after the selected vendor begins work, it determines that work and/or equipment from the 'worst-case' pricing is necessary, it will report that need immediately to the designated ODJFS contract manager for approval. Any work required outside that described in the vendor's Primary Project Plan must be approved by ODJFS and must be in accordance with the worst-case and STS pricing.

1. Primary Project Plan

This section of the vendor's proposal should describe:

- a. A proposed project plan that gives all due care and consideration for the staff using the facility, ensuring their health, safety, and reasonable comfort, and minimizing operational issues (the selected vendor will be required to present a finalized project plan for ODJFS review and approval prior to beginning the work).
- b. Replacing two existing boilers; must include chemical feed.
- c. Replacing chiller and condensing units with units appropriately sized to building.
- d. Replacing the pneumatic system and install new non-proprietary DDC controls.
- e. Balancing the system upon completion of the project installation.
- f. Removing old equipment, part, debris, and related materials from work site and disposing of them in accordance with applicable regulations.
- g. An estimated work schedule which guarantees completion of all necessary work by December 30, 2006 (the selected vendor will be required to revise its work schedule based on actual project start-date but maintaining the December 30 completion date).
- h. Additionally, the vendor must provide specifications sheets for each system and control to be installed.

2. "Worst-Case Scenario"

The vendor must also describe a "Worst-Case Scenario," in which the vendor identifies other reasonable or likely replacement considerations, redesign needs, further replacement requirements, etc., that could be needed for a facility of the age, type, and use described in this RLB. The worst-case description must be designed for a zoned HVAC system to provide heating and air conditioning at 68 to 74 degrees Fahrenheit, uniformly throughout the building regardless of outside temperatures, and subject only to government energy conservation controls. ODJFS understands that the full requirements of a project such as the subject of this RLB may not be found until work is underway. By providing a worst-case scenario in their proposals, vendors demonstrate to ODJFS their experience with and understanding of such systems. Proposed costs for worst-case scenario items and services (at or below STS-

listed prices) must be provided in vendor cost proposals. In the event that any additional work beyond that described in the primary project plan is required, the appropriate items on the selected vendor's worst-case pricing list will provide the basis for the cost.

E. Cost Proposal

On the vendors own letterhead, provide an estimate for the work to be completed as specified in Section VIII. The estimate must be detailed, breaking out the various costs of various components and controls, in accordance with DAS STS established guidelines. The cost proposal must show the cost associated with the design and installation of a new HVAC system and retrofitting the existing unit as specified in Section VIII.

Travel should be included in the hourly rates and **is not to be listed separately**.

The all-inclusive bid cost must include a statement that the prices offered are firm and valid for the entire project period.

F. Life Cycle Cost Analysis

On the vendor's own letterhead, the vendor must present a life cycle cost analysis for the system to be installed. The analysis must include a separate proposal for an annual preventive maintenance agreement with a schedule to include services provided, the cost of the plan, the service level agreement response time, and emergency response time.

XI. Scoring of Vendor Submissions

Proposals must be received, complete, at the appropriate ODJFS address before the stated deadline for submission to be considered initially qualified for consideration. A Proposal Review Team (PRT) consisting of ODJFS staff will read all such initially qualified responses, and score them according to the Proposal Score Sheet (Attachment A. to this RLB). Reviewers will read each proposal individually, and through team discussion, the PRT will evaluate and score each based on score sheet criteria. Through consensus, the PRT will determine a final score for each. Those vendors whose proposals meet the technical requirements established on the Score Sheet will then be considered based on the total price they offer for their Primary Project Plan (see Section X, A. of this RLB) plus the per-year maintenance cost (if the annual cost will vary, ODJFS reserves the right to determine an averaged maintenance annual cost based on a period of at least ten years). Using those scores representing the quality of vendors' responses, and the relative proposed primary project plan costs, the PRT will then make a recommendation to the Director of ODJFS for selection of the vendor to perform the work.

The PRT reserves the right to reject any and all proposals, in whole or in part, received in response to this request. ODJFS may waive minor defects that are not material when no prejudice will result to the rights of any vendor or to the public, and ODJFS reserves the right to seek clarifications from vendors regarding information contained in their proposals.

Bids must specify that all work will be completed and new HVAC system will be operational no later than December 30, 2006.

XII. RLB Process Information and Other Contractual Requirements

A. State Contracts

Proposals must list any current contracts the vendor has with State of Ohio agencies. The list must indicate the purpose of the contract, the amount of the contract, the time period covered by the contract, and the percent of the project completed. Vendors must complete a copy of the Required Vendor Information and Certifications Document (provided as **Attachment B**) to report this information, and include the completed document in the vendor's proposal as specified in **Section X, A., Format of Submissions**, of this RLB.

B. Interview

Vendors submitting proposals may be requested to participate in an in-depth interview as part of the evaluation process. The interview, if necessary, may include participants from ODJFS and any representatives it may appoint. ODJFS reserves the right to select from responding vendors for interviews and may not interview all vendors submitting proposals. The vendor shall bear all costs of any scheduled interview.

C. Start Work Date

The selected vendor must be able to begin work no later than seven (7) working days after the time funds are encumbered and approved by the Office of Budget & Management. The selected vendor will be notified by the ODJFS project manager when work may begin. **Any work begun by the vendor prior to this notification will NOT be reimbursable by ODJFS.**

D. Proposal Costs

Costs incurred in the preparation of this proposal are to be borne by the vendor, and ODJFS will not contribute in any way to the costs of the preparation. Any costs associated with interviews will be borne by the vendor and will not be ODJFS' responsibility (see Section XII, B.).

E. Trade Secrets Prohibition; Public Information Disclaimer

Vendors are prohibited from including any trade secret information as defined in Ohio Revised Code (ORC) 1333.61 in their proposals in response to any ODJFS RFP, Requests for Letterhead Bids (RLB) or other procurement efforts. ODJFS shall consider all proposals voluntarily submitted in response to any ODJFS RFP/RLB to be free of trade secrets and such proposals shall, in their entirety, be made a part of the public record.

All proposals and any other documents submitted to ODJFS in response to any RFP, RLB, etc., shall become the property of ODJFS. This RLB and, after the selection of the winning vendor, any proposals submitted in response to an RFP/RLB are deemed to be public records pursuant to R.C. 149.43. For purposes of this section, the term "proposal" shall mean both the technical and the cost proposals, if opened, submitted by the vendor, and any attachments, addenda, appendices, or sample products.

Any proposals submitted in response to any ODJFS RFP, RLB, etc. which make claims of trade secret information shall be disqualified from consideration immediately upon the discovery of such unallowable claim.

F. Additional Requirements

1. Any purchase of services resulting from the issuance of this RLB is subject to the terms and conditions as provided in the governing State Term Schedule;
2. Payments for any and all services provided as a result of this RLB are contingent upon the availability of state and federal funds;
3. All aspects of the agreement apply equally to work performed by any and all subcontractors;
4. The selected vendor, and any subcontractor(s), will not use or disclose any information made available to them for any purpose other than to fulfill the contractual duties specified in the RLB. The contractor, and any subcontractor(s), agrees to be bound by the same standards of confidentiality that apply to the employees of ODJFS and the State of Ohio. Any violation of confidentiality will result in an immediate termination of the contract, and may result in legal action;
5. As a condition of receiving a contract from ODJFS, the selected vendor, and any subcontractor(s), shall certify compliance with any court order for the withholding of child support which is issued pursuant to Section 3113.217 of the ORC. The vendor, and any subcontractor(s), must also agree to cooperate with ODJFS and any Ohio Child Support Enforcement Agency in ensuring that the vendor or employees of the vendor meet child support obligations established under state law; and
6. By entering into an agreement with ODJFS, a vendor agrees that all necessary insurance is in effect.

G. Travel Reimbursement

Travel should be folded into the overhead, per diem, or the hourly rates which are built into the cost of the deliverables. Travel is not to be listed separately unless otherwise specified in this RLB.

H. Public Release of Records

Public release of any evaluation or monitoring reports funded under this agreement will be made only by ODJFS. Prior to public release of such reports, ODJFS must have at least a 30-day period for review and comment.

I. Confidentiality

All contracts will require that the contractor maintain the confidentiality of information and records which state and federal laws, rules, and regulations require to be kept confidential.

J. Ethical & Conflict of Interest Requirements

1. No vendor or individual, company or organization seeking a contract shall promise or give to any ODJFS employee anything of value that is of such character as to manifest a substantial and improper influence upon the employee with respect to his or her duties;
2. No vendor or individual, company or organization seeking a contract shall solicit any ODJFS employee to violate any of the conduct requirements for employees;

3. Any vendor acting on behalf of ODJFS shall refrain from activities which could result in violations of ethics and/or in conflicts of interest. Any vendor or potential contractor who violates the requirements and prohibitions defined here or of Section 102.04 of the ORC is subject to termination of the purchase order or refusal by ODJFS to obtain a purchase order; and
4. ODJFS employees and vendor who violate Sections 102.03, 102.04 2921.42 or 2921.43 of the ORC may be prosecuted for criminal violations.

K. Health Insurance Portability & Accessibility Act (HIPAA) Requirements

As a condition of providing services to ODJFS, the vendor, and any subcontractor(s), will be required to comply with 42 U.S.C. Sections 1320d through 1320d-8, and to implement regulations at 45 C.F.R. Section 164.502 (e) and Sections 164.504 (e) regarding disclosure of protected health information under the Health Insurance Portability and Accountability Act (HIPAA) of 1996. Protected Health Information (PHI) is information received by the vendor from or on behalf of ODJFS that meets the definition of PHI as defined by HIPAA and the regulations promulgated by the United States Department of Health & Human Services, specifically 45 CFR164.501 and any amendments thereto. In the event of a material breach of vendor obligations under this section, ODJFS may at its option terminate the purchase order.

L. Unresolved Findings for Recovery (R.C. 9.24)

Ohio Revised Code section 9.24 prohibits ODJFS from purchasing from any entity against whom the Auditor of State has issued a finding for recovery if the finding for recovery is “unresolved” at the time of award. By submitting a proposal, the vendor warrants that it is not now, and will not become, subject to an “unresolved” finding for recovery under R.C. 9.24 prior to the award of any contract arising out of this RLB, without notifying ODJFS of such finding. ODJFS will review the Auditor of State’s website prior to the evaluations of any proposal submitted pursuant to this RLB. ODJFS will not evaluate a proposal from any vendor whose name, or the name of any of the subcontractors proposed by the vendor, appears on the website of the Auditor of the State of Ohio as having an “unresolved” finding for recovery.

M. Mandatory Contract Performance Disclosure

Each proposal must disclose whether the vendor’s performance, or the performance of any of the proposed subcontractor(s), under contracts for the provision of services that are the same or similar to those described in this RLB, has resulted in any “formal claims” for breach of those contracts. For purposes of this disclosure, “formal claims” means any claims for breach that have been filed as a lawsuit in any court, submitted for arbitration (whether voluntary or involuntary, binding or not), or assigned to mediation. If any such claims are disclosed, vendor shall fully explain the details of those claims, including the allegations regarding all alleged breaches, any written or legal action resulting from those allegations, and the results of any litigation, arbitration or mediation regarding those claims, including terms of any settlement. While disclosure of any formal claims in response to this section will not automatically disqualify a vendor from consideration, at the sole discretion of ODJFS, such claims and a review of the background details may result in a rejection of the vendor’s proposal. ODJFS will make this decision based on its determination of the seriousness of the claims, the potential that the behavior that led to the claims could negatively impact vendor’s performance of the work, and the best interests of ODJFS.

N. Mandatory Disclosures of Governmental Investigations

Each proposal must indicate whether the vendor and any of the proposed subcontractor(s) has been the subject of any adverse regulatory or adverse administrative governmental action (federal, state, or local) with respect to vendor's performance of services similar to those described in this RLB. If any such instances are disclosed, vendor must fully explain, in detail, the nature of the governmental action, the allegations that led to the governmental action, and the results of the governmental action including any legal action that was taken against vendor by the governmental agency. While disclosure of any governmental action in response to this section will not automatically disqualify a vendor from consideration, such governmental action and a review of the background details may result in a rejection of the vendor's proposal at the sole discretion of ODJFS. The decision by ODJFS on this issue will be based on a determination of the seriousness of the matter, the matter's potential impact on the vendor's performance of the work, and the best interests of ODJFS.

O. Vendor Selection Restriction

ODJFS shall not purchase from any vendor deemed not responsible, or submitting a proposal deemed not to be responsive to the terms of this RLB.

P. Prevailing Wage Requirements

The selected vendor will be required to comply with prevailing wage standards, as established in ORC 4115.03-4115.16. For additional information and requirements regarding the prevailing wage law vendors should view the Ohio Department of Commerce website at www.com.state.oh.us and select the Division of Labor and Worker Safety.

Q. Hold-harmless Stipulation

Some technical information provided in this RLB results from a 2003 engineering assessment provided to ODJFS from Robert S. Davis, Ltd. Architecture. The vendor selected through this RLB process shall NOT begin work on the HVAC project based solely on that assessment or the technical description summarized from it in the RLB, but must perform its own testing, inspections, and evaluations, and act on its own professional judgment, in order to determine the course of action needed to successfully perform the work that is the subject of this RLB. Under this stipulation, the selected vendor must hold harmless Robert S. Davis, Ltd. and their sub-contractors from any and all damages that may result from any use of that 2003 assessment.

XIII. Final Selection

The Proposal Review Team (PRT) will recommend for selection the technically qualified vendors which offer the lowest cost-per-quality point. ODJFS reserves the right to select vendors which achieve the lowest cost-per-quality points. Results from any interview (if appropriate) will be considered in reevaluating the vendor's technical proposal score, which would result in a revised cost-quality score.

At its sole discretion, ODJFS may choose to conduct interviews prior to final vendor selection. Interview question responses will then be considered according to a process comparable to the Technical Proposal Scoring described in Section XI, Scoring of Vendor Submissions.

XIV. Tie Breaker

In the event that two or more of the proposals have a score which is tied after final calculation of both the technical proposal and the cost proposal, the proposal with the higher score in the technical proposal will prevail.

XV. PROTEST PROCEDURE

Any potential, or actual, vendor objecting to the award of a contract resulting from the issuance of this RLB may file a protest of the vendor selection, or any other matter relating to the process of soliciting the proposals. Such a protest must comply with the following guidelines:

- A. A protest may be filed by a prospective or actual bidder objecting to the vendor selection resulting from this RLB. The protest shall be in writing and shall contain the following information:
 - 1. The name, address, and telephone number of the protestor;
 - 2. The name and number of the RLB being protested;
 - 3. A detailed statement of the legal and factual grounds for the protest, including copies of any relevant documents;
 - 4. A request for a ruling by ODJFS;
 - 5. A statement as to the form of relief requested from ODJFS; and
 - 6. Any other information the protestor believes to be essential to the determination of the factual and legal questions at issue in the written protest.

- B. A timely protest shall be considered by ODJFS, if it is received by ODJFS' Office of Legal Services, within the following periods:
 - 1. A protest based on alleged improprieties in the issuance of the RLB or any other event preceding the closing date for receipt of proposals which are apparent or should be apparent prior to the closing date for receipt of proposals shall be filed no later than 3:00 p.m. the closing date for receipt of proposals, as specified in Section 1.6, Anticipated Procurement Time Table, of this RLB.
 - 2. If the protest relates to the announced vendor selection, the protest shall be filed no later than 3:00 p.m. of the eighth (8th) calendar day after the issuance of the Letters of Intent make that announcement.

- C. An untimely protest may be considered by ODJFS if ODJFS determines that the protest raises issues significant to the department's procurement system. An untimely protest is one received by ODJFS' Office of Legal Services after the time periods set forth in Item B. of this section.

- D. All protests must be filed at the following location:

Chief Legal Counsel
Office of Legal Services
Ohio Department of Job and Family Services
30 East Broad Street, 31st Floor
Columbus, Ohio 43215-0423

- E. When a timely protest is filed, a contract award shall not proceed until a decision on the protest is issued or the matter is otherwise resolved, unless the Director of ODJFS determines that a delay will severely disadvantage the Department. The vendor(s) who would have been awarded the contract shall be notified of the receipt of the protest.

- F. ODJFS' Office of Legal Services shall issue written decisions on all timely protests and shall notify any vendor who filed an untimely protest as to whether or not the protest will be considered.

XVI. Caveats

- A. ODJFS is under no obligation to issue a contract as a result of this solicitation if, in the opinion of ODJFS and the proposal review team, none of the proposals are responsive to the objectives and needs of the Department. ODJFS reserves the right to not select any vendor should ODJFS decide not to proceed. Changes in this RLB of a material nature will be provided via the agency website. All vendors are responsible for obtaining any such changes without further notice by ODJFS.
- B. **Some technical information provided in this RLB is from an assessment done for ODJFS in 2003 by Robert S. Davis, Ltd. Architecture. That information is provided in this RLB as a cursory overview of the work likely needed for the facility, and as a common point of reference for which all interested vendors may present ODJFS with their qualifications and their pricing, for vendor selection purposes. The technical information in this RLB should NOT be viewed as a fixed, final description of the project.**

As the assessment was done more than two years prior to the release of this RLB, information in it may not be a current description of the condition of the facility's HVAC system. Neither the 2003 assessment nor the technical information provided in this RLB may be used by the selected vendor as the sole basis for identifying the work to be done. The selected vendor will be responsible for verifying the current state of the HVAC system, using appropriate inspection, testing, engineering services and their own professional expertise, before beginning any work on it.

XVII. Attachments and Their Purposes

- A. Technical Proposal Score Sheet (*For vendor self-evaluation purposes only*)
- B. Required Vendor Information and Certifications (*To be completed & included in vendor proposal packet as specified in Section X., A.*)
- C. Request for Taxpayer Identification Number (W-9) Form (*To be completed & included in proposal packet as specified in Section X., B.*)